

HOUSE SUBSTITUTE
FOR
SENATE BILL NO. 896

AN ACT

To repeal sections 326.256, 326.271, 326.280,
326.283, 326.286, 326.289, 326.292, 329.010,
329.040, 329.045, 329.050, 329.070, 329.080,
329.085, 329.110, 329.180, and 329.190, RSMo,
and to enact in lieu thereof thirty-eight new
sections relating to public accountants,
private investigators, and electrologists,
with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Sections 326.256, 326.271, 326.280, 326.283,
326.286, 326.289, 326.292, 329.010, 329.040, 329.045, 329.050,
329.070, 329.080, 329.085, 329.110, 329.180, and 329.190, RSMo,
are repealed and thirty-eight new sections enacted in lieu
thereof, to be known as sections 324.1100, 324.1102, 324.1104,
324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116,
324.1118, 324.1120, 324.1122, 324.1124, 324.1126, 324.1128,
324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140,
326.256, 326.271, 326.280, 326.283, 326.286, 326.289, 326.292,
329.010, 329.040, 329.045, 329.050, 329.070, 329.080, 329.085,
329.110, 329.180, and 329.190, to read as follows:

324.1100. As used in sections 324.1100 to 324.1140, the
following terms mean:

1 (1) "Board", the board of private investigator examiners
2 established in section 324.1102;

3 (2) "Client", any person who engages the services of a
4 private investigator;

5 (3) "Department", the department of economic development;

6 (4) "Law enforcement officer", a law enforcement officer as
7 defined in section 556.061, RSMo;

8 (5) "Organization", a corporation, trust, estate,
9 partnership, cooperative, or association;

10 (6) "Person", an individual or organization;

11 (7) "Private investigator", any person who receives any
12 consideration, either directly or indirectly, for engaging in the
13 private investigator business;

14 (8) "Private investigator agency", a person who regularly
15 employs any other person, other than an organization, to engage
16 in the private investigator business;

17 (9) "Private investigator business", the furnishing of,
18 making of, or agreeing to make, any investigation for the purpose
19 of obtaining information pertaining to:

20 (a) Crimes or wrongs done or threatened against the United
21 States or any state or territory of the United States;

22 (b) The identity, habits, conduct, business, occupation,
23 honesty, integrity, credibility, knowledge, trustworthiness,
24 efficiency, loyalty, activity, movement, whereabouts,
25 affiliations, associations, transactions, acts, reputation, or

1 character of any person;

2 (c) The location, disposition, or recovery of lost or
3 stolen property;

4 (d) Securing evidence to be used before any court, board,
5 officer, or investigating committee;

6 (e) Sale of personal identifier information to the public;
7 or

8 (f) The cause or responsibility for libel, losses,
9 accident, or damage or injury to persons or property or personal
10 protection of life or property.

11 324.1102. 1. The "Board of Private Investigator Examiners"
12 is hereby created within the division of professional
13 registration. The board shall be a body corporate and may sue
14 and be sued.

15 2. The board shall be composed of five members appointed by
16 the governor with the advice and consent of the senate. Each
17 member of the board shall be a citizen of the United States, a
18 resident of Missouri, at least thirty years of age, and shall
19 have been actively engaged in the private investigator business
20 for the previous five years. No more than one board member may
21 be employed by, or affiliated with, the same private investigator
22 agency. The initial board members shall not be required to be
23 licensed but shall obtain a license within one hundred eighty
24 days after the effective date of the rules promulgated pursuant
25 to sections 324.1100 to 324.1140 regarding licensure.

1 3. The members shall be appointed for terms of four years,
2 except those first appointed, in which case two members, who
3 shall be private investigators, shall be appointed for terms of
4 four years, two members shall be appointed for terms of three
5 years and one member shall be appointed for a one-year term. Any
6 vacancy on the board shall be filled for the unexpired term of
7 the member and in the manner as the first appointment.

8 4. The members of the board may receive compensation, as
9 determined by the director for their services but shall be
10 reimbursed for actual and necessary expenses incurred in
11 performing their official duties on the board.

12 5. There is hereby created in the state treasury the "Board
13 of Private Investigator Examiners Fund", hereafter the fund,
14 which shall consist of money collected pursuant to sections
15 324.1100 to 324.1140. The fund shall be administered by the
16 board of private investigator examiners, which shall collect the
17 fees authorized by sections 324.1100 to 324.1140 and transmit
18 them to the director of revenue for deposit to the state treasury
19 to the credit of the fund. Money in the fund shall be used
20 solely for the purposes of the board of private investigator
21 examiners, as authorized by sections 324.1100 to 324.1140.

22 6. Notwithstanding the provisions of section 33.080, RSMo,
23 no portion of the fund shall be transferred to the general
24 revenue fund, and any appropriation made to the fund shall not
25 lapse. The state treasurer shall invest moneys in the fund in

1 the same manner as other funds are invested. Interest and moneys
2 earned on such investments shall be credited to the fund.

3 324.1104. Unless expressly exempted from the provisions of
4 sections 324.1100 to 324.1140:

5 (1) It shall be unlawful for any person to engage in the
6 private investigator business in this state unless such person is
7 licensed as a private investigator pursuant to sections 324.1100
8 to 324.1140;

9 (2) It shall be unlawful for any person to engage in
10 business in this state as a private investigator agency unless
11 such person is licensed pursuant to sections 324.1100 to
12 324.1140.

13 324.1106. The following persons shall not be deemed to be
14 engaging in the private investigator business:

15 (1) A person employed exclusively and regularly by one
16 employer in connection only with the affairs of such employer and
17 where there exists an employer-employee relationship;

18 (2) Any officer or employee of the United States, or of
19 this state or a political subdivision thereof while engaged in
20 the performance of the officer's or employee's official duties;

21 (3) A consumer reporting agency as defined in 15 U.S.C.
22 Section 1681(a) and its contract and salaried employees;

23 (4) An attorney performing duties as an attorney, or an
24 attorney's paralegal or employee retained by such attorney
25 assisting in the performance of such duties or investigation on

1 behalf of such attorney;

2 (5) A collection agency or an employee thereof while acting
3 within the scope of employment, while making an investigation
4 incidental to the business of the agency, including an
5 investigation of the location of a debtor or a debtor's property
6 where the contract with an assignor creditor is for the
7 collection of claims owed or due, or asserted to be owed or due,
8 or the equivalent thereof;

9 (6) Insurers, agents, and insurance brokers licensed by the
10 state, performing duties in connection with insurance transacted
11 by them;

12 (7) Any bank subject to the jurisdiction of the director of
13 the division of finance of the state of Missouri or the
14 comptroller of currency of the United States;

15 (8) An insurance adjuster. For the purposes of sections
16 324.1100 to 324.1140, an "insurance adjuster" means any person
17 who receives any consideration, either directly or indirectly,
18 for adjusting in the disposal of any claim under or in connection
19 with a policy of insurance or engaging in soliciting insurance
20 adjustment business;

21 (9) Any private fire inspector whose primary purpose of
22 employment is the determination of the origin, nature, cause, or
23 calculation of losses relevant to a fire; or

24 (10) Employees of a not-for-profit organization or its
25 affiliate or subsidiary who makes and processes requests on

1 behalf of health care providers and facilities for employee
2 criminal and other background information pursuant to section
3 660.317, RSMo.

4 324.1108. 1. Every person desiring to be licensed in this
5 state as a private investigator or private investigator agency
6 shall make application therefor to the board of private
7 investigator examiners. An application for a license pursuant to
8 the provisions of sections 324.1100 to 324.1140 shall be on a
9 form prescribed by the board of private investigator examiners
10 and accompanied by the required application fee. An application
11 shall be verified and shall include:

12 (1) The full name and business address of the applicant;

13 (2) The name under which the applicant intends to do
14 business;

15 (3) A statement as to the general nature of the business in
16 which the applicant intends to engage;

17 (4) A statement as to the classification or classifications
18 under which the applicant desires to be qualified;

19 (5) Two recent photographs of the applicant, of a type
20 prescribed by the board of private investigator examiners, and
21 two classifiable sets of the applicant's fingerprints;

22 (6) A verified statement of the applicant's experience
23 qualifications; and

24 (7) Such other information, evidence, statements, or
25 documents as may be required by the board of private investigator

1 examiners.

2 2. Before an application for a license may be granted, the
3 applicant shall:

4 (1) Be at least twenty-one years of age;

5 (2) Be a citizen of the United States;

6 (3) Provide proof of insurance with amount to be no less
7 than one million in coverage for liability and proof of workers'
8 compensation insurance as required in chapter 287, RSMo. The
9 board shall have the authority to raise the requirements as
10 deemed necessary; and

11 (4) Comply with such other qualifications as the board
12 adopts by rules and regulations.

13 324.1110. 1. The board of private investigator examiners
14 shall require as a condition of licensure as a private
15 investigator that the applicant:

16 (1) Successfully complete a course of training conducted by
17 a trainer certified pursuant to section 324.1132;

18 (2) Pass a written examination as evidence of knowledge of
19 investigator business; and

20 (3) Submit to an oral interview with the board.

21 2. The board shall conduct a complete investigation of the
22 background of each applicant for licensure as a private
23 investigator to determine whether the applicant is qualified for
24 licensure pursuant to sections 324.1100 to 324.1140. The board
25 will outline basic qualification requirements for licensing as a

1 private investigator and agency. The board will waive testing
2 requirements and issue a license to existing persons and agencies
3 who make application within one hundred eighty days after the
4 rules go into effect and meet the requirements of subsection 3 of
5 this section.

6 3. In the event requirements have been met so that testing
7 has been waived, qualification is dependant on a showing of, for
8 the two previous years:

9 (1) Registration and good standing as a business in this
10 state; and

11 (2) One quarter million dollars in business general
12 liability insurance.

13 4. The board may review applicants seeking reciprocity. An
14 applicant seeking reciprocity shall have undergone a licensing
15 procedure similar to that required by this state and shall meet
16 this state's minimum insurance requirements.

17 324.1112. The board of private investigator examiners may
18 deny a request for a license if the applicant:

19 (1) Has committed any act which, if committed by a
20 licensee, would be grounds for the suspension or revocation of a
21 license pursuant to the provisions of sections 324.1100 to
22 324.1140;

23 (2) Within two years prior to the effective date of this
24 section:

25 (a) Has been convicted of or entered a plea of guilty or

1 nolo contendere to a felony offense, including the receiving of a
2 suspended imposition of sentence following a plea or finding of
3 guilty to a felony offense;

4 (b) Has been convicted of or entered a plea of guilty or
5 nolo contendere to a misdemeanor offense involving moral
6 turpitude;

7 (c) Has falsified or willfully misrepresented information
8 in an employment application, records of evidence, or in
9 testimony under oath;

10 (d) Has been dependent on or abused alcohol or drugs; or

11 (e) Has used, possessed, or trafficked in any illegal
12 substance;

13 (3) Been refused a license pursuant to the provisions of
14 sections 324.1100 to 324.1140 or had a license revoked in this
15 state or in any other state;

16 (4) While unlicensed, committed or aided and abetted the
17 commission of any act for which a license is required by sections
18 324.1100 to 324.1140 after the effective date of this section; or

19 (5) Knowingly made any false statement in the application.
20 324.1114. 1. Every application submitted pursuant to the
21 provisions of sections 324.1100 to 324.1140 shall be accompanied
22 by a fee as determined by the board as follows:

23 (1) For an individual license, agency license and employees
24 being licensed to work under an agency license; or

25 (2) If a license is issued for a period of less than one

1 year, the fee shall be prorated for the months, or fraction
2 thereof, for which the license is issued.

3 2. The board shall set fees as authorized by sections
4 324.1100 to 324.1140 at a level to produce revenue which will not
5 substantially exceed the cost and expense of administering
6 sections 324.1100 to 324.1140.

7 3. The fees prescribed by sections 324.1100 to 324.1140
8 shall be exclusive and notwithstanding any other provision of
9 law. No municipality may require any person licensed pursuant to
10 sections 324.1100 to 324.1140 to furnish any bond, pass any
11 examination, or pay any license fee or occupational tax relative
12 to practicing the person's profession.

13 4. A private investigator license shall allow only the
14 individual licensed by the state to conduct investigations. An
15 agency license shall be applied for separately and held by an
16 individual who is licensed as a private investigator. The agency
17 may hire individuals to work for the agency conducting
18 investigations for the agency only. Persons hired shall make
19 application as determined by the board and meet all requirements
20 set forth by the board except that they shall not be required to
21 meet any experience requirements and shall be allowed to begin
22 working immediately upon the agency submitting their
23 applications. Employees shall attend a certified training
24 program within a time frame to be determined by the board.

25 324.1116. 1. The board of private investigator examiners

1 shall determine the form of the license which shall include the:

2 (1) Name of the licensee;

3 (2) Name under which the licensee is to operate; and

4 (3) Number and date of the license.

5 2. The license shall be posted at all times in a
6 conspicuous place in the principal place of business of the
7 licensee. Upon the issuance of a license, a pocket card of such
8 size, design, and content as determined by the division shall be
9 issued without charge to each licensee. Such card shall be
10 evidence that the licensee is licensed pursuant to the provisions
11 of sections 324.1100 to 324.1140. When any person to whom a card
12 is issued terminates such person's position, office, or
13 association with the licensee, the card shall be surrendered to
14 the licensee and within five days thereafter shall be mailed or
15 delivered by the licensee to the board of private investigator
16 examiners for cancellation. Within thirty days after any change
17 of address, a licensee shall notify the board of the address
18 change. The principal place of business may be at a residence or
19 at a business address, but it shall be the place at which the
20 licensee maintains a permanent office.

21 324.1118. 1. Any license issued pursuant to sections
22 324.1100 to 324.1140 shall expire two years after the date of its
23 issuance. Renewal of any such license shall be made in the
24 manner prescribed for obtaining an original license, including
25 payment of the appropriate fee, except that:

1 (1) The application upon renewal need only provide
2 information required of original applicants if the information
3 shown on the original application or any renewal thereof on file
4 with the board is no longer accurate;

5 (2) A new photograph shall be submitted with the
6 application for renewal only if the photograph on file with the
7 board has been on file more than two years; and

8 (3) Additional information may be required by rules and
9 regulations adopted by the board of private investigator
10 examiners.

11 2. A licensee shall at all times be legally responsible for
12 the good conduct of each of the licensee's employees or agents
13 while engaged in the business of the licensee and the licensee is
14 legally responsible for any acts committed by such licensee's
15 employees or agents which are in violation of sections 324.1100
16 to 324.1140. A person receiving an agency license shall directly
17 manage the agency and employees.

18 3. A license issued pursuant to the provisions of sections
19 324.1100 to 324.1140 shall not be assignable.

20 324.1120. 1. Any licensee may divulge to the board, any
21 law enforcement officer, or prosecuting attorney, or such
22 person's representative, any information such person may acquire
23 as to any criminal offense, or instruct his or her client to do
24 so if the client is the victim but such person shall not divulge
25 to any other person, except as he or she may be required by law

1 to do, any information acquired by such person at the direction
2 of the employer or client for whom the information was obtained.

3 2. No licensee or officer, director, partner, associate, or
4 employee thereof shall:

5 (1) Knowingly make any false report to his or her employer
6 or client for whom information was being obtained;

7 (2) Cause any written report to be submitted to a client
8 except by the licensee, and the person submitting the report
9 shall exercise diligence in ascertaining whether or not the facts
10 and information in such report are true and correct;

11 (3) Use a title, wear a uniform, use an insignia or an
12 identification card, or make any statement with the intent to
13 give an impression that such person is connected in any way with
14 the federal government, a state government, or any political
15 subdivision of a state government;

16 (4) Appear as an assignee party in any proceeding involving
17 claim and delivery, replevin or other possessory action, action
18 to foreclose a chattel mortgage, mechanic's lien, materialman's
19 lien, or any other lien;

20 (5) Manufacture false evidence; or

21 (6) Create any video recording of an individual in their
22 domicile without the individual's permission. Furthermore, if
23 such video recording is made, it shall not be admissible as
24 evidence in any civil proceeding.

25 324.1122. Each licensee shall maintain a record containing

1 such information relative to the licensee's employees as may be
2 prescribed by the board of private investigator examiners. Such
3 licensee shall file with the board the complete address of the
4 licensee's principal place of business including the name and
5 number of the street. The board may require the filing of other
6 information for the purpose of identifying such principal place
7 of business.

8 324.1124. Every advertisement by a licensee soliciting or
9 advertising business shall contain the licensee's name, city, and
10 state as it appears in the records of the board of private
11 investigator examiners. A licensee shall not advertise or
12 conduct business from any Missouri address other than that shown
13 on the records of the board as the licensee's principal place of
14 business unless the licensee has received a branch office
15 certificate for such location after compliance with the
16 provisions of sections 324.1100 to 324.1140 and such additional
17 requirements necessary for the protection of the public as the
18 board may prescribe by regulation. A licensee shall notify the
19 board in writing within ten days after closing or changing the
20 location of a branch office.

21 324.1126. 1. The board of private investigator examiners
22 may suspend or revoke a license issued pursuant to sections
23 324.1100 to 324.1140 if, after notice and opportunity for hearing
24 in accordance with the provisions of chapter 621, RSMo, the board
25 determines that the licensee has:

1 (1) Made any false statement or given any false information
2 in connection with an application for a license or a renewal or
3 reinstatement thereof;

4 (2) Violated any provision of sections 324.1100 to
5 324.1140;

6 (3) Violated any rule of the board of private investigator
7 examiners adopted pursuant to the authority contained in sections
8 324.1100 to 324.1140;

9 (4) Impersonated, or permitted or aided and abetted an
10 employee to impersonate, a law enforcement officer or employee of
11 the United States of America, or of any state or political
12 subdivision thereof;

13 (5) Committed, or permitted any employee to commit any act,
14 while the license was expired, which would be cause for the
15 suspension or revocation of a license, or grounds for the denial
16 of an application for a license;

17 (6) Knowingly violated, or advised, encouraged, or assisted
18 the violation of, any court order or injunction in the course of
19 business as a licensee;

20 (7) Used any letterhead, advertisement, or other printed
21 matter, or in any manner whatever represented that such person is
22 an instrumentality of the federal government, a state, or any
23 political subdivision thereof;

24 (8) Used a name different from that under which such person
25 is currently licensed in any advertisement, solicitation, or

1 contract for business; or

2 (9) Committed any act which is grounds for denial of an
3 application for a license pursuant to the provisions of section
4 324.1112.

5 2. The record of conviction, or a certified copy thereof,
6 shall be conclusive evidence of such conviction, and a plea or
7 verdict of guilty is deemed to be a conviction within the meaning
8 thereof.

9 3. The agency may continue under the direction of another
10 employee if the individual holding the license is suspended or
11 revoked as approved by the board. The board shall establish a
12 time frame in which the agency shall identify an acceptable
13 person who is qualified to assume control of the agency, as
14 required by the board.

15 4. After the filing of a complaint before the
16 administrative hearing commission, the proceedings shall be
17 conducted in accordance with the provisions of chapter 621, RSMo.
18 Upon a finding by the administrative hearing commission that the
19 grounds in subsection 1 of this section for disciplinary action
20 are met, the board may singly or in combination censure or place
21 the person named in the complaint on probation pursuant to such
22 terms and conditions as the board deems appropriate for a period
23 not to exceed five years, may suspend for a period not to exceed
24 three years, or revoke the license.

25 324.1128. 1. Each private investigator or investigator

1 agency operating pursuant to the provisions of sections 324.1100
2 to 324.1140 shall be required to keep a complete record of the
3 business transactions of such investigator or investigator agency
4 for a period of seven years. Upon the service of a court order
5 issued by a court of competent jurisdiction or upon the service
6 of a subpoena issued by the board which is based on a complaint
7 supported by oath or affirmation, and particularly describing the
8 records and reports, any licensed private investigator who is the
9 owner, partner, director, corporate officer, or custodian of
10 business records shall provide an opportunity for the inspection
11 of the same and to inspect reports made; but any information
12 obtained by the board shall be kept confidential, except as may
13 be necessary to commence and prosecute any legal proceedings.
14 The board shall not personally enter a licensee's place of
15 business to inspect records, but shall utilize an employee of the
16 division of professional registration to act as a gatherer of
17 information and facts to present to the board regarding any
18 complaint or inspection they are looking into.

19 2. For the purpose of enforcing the provisions of sections
20 324.1100 to 324.1140, and in making investigations relating to
21 any violation thereof, the board shall have the power to subpoena
22 and bring before the board any person in this state and require
23 the production of any books, records, or papers which the board
24 deems relevant to the inquiry. The board also may administer an
25 oath to and take the testimony of any person, or cause such

1 person's deposition to be taken, except that any applicant or
2 licensee or officer, director, partner, or associate thereof
3 shall not be entitled to any fees or mileage. A subpoena issued
4 pursuant to this section shall be governed by the Missouri rules
5 of civil procedure and shall comply with any confidentiality
6 standards or legal limitations imposed by privacy or open records
7 acts, fair credit reporting acts, polygraph acts, driver privacy
8 protection acts, judicially recognized privileged communications,
9 and the bill of rights of both the United States and Missouri
10 Constitutions. Any person duly subpoenaed, who fails to obey
11 such subpoena without reasonable cause or without such cause
12 refuses to be examined or to answer any legal or pertinent
13 question as to the character or qualification of such applicant
14 or licensee or such applicant's alleged unlawful or deceptive
15 practices and methods or such violations, shall be guilty of a
16 class A misdemeanor. The testimony of witnesses in any
17 investigative proceeding shall be under oath.

18 324.1130. 1. The board shall adopt such rules and
19 regulations as may be necessary to carry out the provisions of
20 sections 324.1100 to 324.1140.

21 2. No rule or portion of a rule promulgated pursuant to the
22 authority of sections 324.1100 to 324.1140 shall become effective
23 unless it has been promulgated pursuant to the provisions of
24 chapter 536, RSMo.

25 324.1132. 1. The board of private investigator examiners

1 shall certify persons who are qualified to train private
2 investigators.

3 2. In order to be certified as a trainer pursuant to this
4 section, a trainer shall:

5 (1) Be twenty-one or more years of age;

6 (2) Have a minimum of one-year supervisory experience with
7 a private investigator agency; and

8 (3) Be personally licensed as a private investigator
9 pursuant to sections 324.1100 to 324.1140 and qualified to train
10 private investigators.

11 3. Persons wishing to become certified trainers shall make
12 application to the board of private investigator examiners on a
13 form prescribed by the board and accompanied by a fee determined
14 by the board. The application shall contain a statement of the
15 plan of operation of the training offered by the applicant and
16 the materials and aids to be used and any other information
17 required by the board.

18 4. A certificate shall be granted to a trainer if the board
19 finds that the applicant:

20 (1) Meets the requirements of subsection 2 of this section;

21 (2) Has sufficient knowledge of private investigator
22 business to be a suitable person to train private investigators;

23 (3) Has supplied all required information to the board; and

24 (4) Has paid the required fee.

25 5. The certificate issued pursuant to this section shall

1 expire on the third year after the year in which it is issued and
2 shall be renewable triennially upon application and payment of a
3 fee.

4 324.1134. Any person who knowingly falsifies the
5 fingerprints or photographs or other information required to be
6 submitted pursuant to sections 324.1100 to 324.1140 is guilty of
7 a class D felony; and any person who violates any of the other
8 provisions of sections 324.1100 to 324.1140 is guilty of a class
9 A misdemeanor.

10 324.1136. The board may negotiate and enter into reciprocal
11 agreements with appropriate officials in other states to permit
12 licensed private investigator agencies and licensed private
13 investigators who meet or exceed the qualifications established
14 in sections 324.1100 to 324.1140 to operate across state lines
15 under mutually acceptable terms.

16 324.1138. Law enforcement officers who perform private
17 investigations shall be licensed pursuant to this chapter subject
18 to the following qualifications and limitations:

19 (1) The board may waive testing for law enforcement
20 officers currently certified pursuant to then existing peace
21 officer standards and training requirements pursuant to chapter
22 590, RSMo;

23 (2) Law enforcement officers shall pay the appropriate
24 licensing fees;

25 (3) Law enforcement officers shall assume individual

1 liability for their actions while performing private
2 investigations, complying with any insurance or bonding
3 requirements imposed pursuant to sections 324.1100 to 324.1140;

4 (4) Law enforcement officers shall not utilize their
5 official capacity in the course of a private investigation,
6 including but not limited to:

7 (a) Accessing information intended only for police
8 officials. Law enforcement officers shall comply with the legal
9 limits on access to information by a private citizen;

10 (b) Utilizing any official item, such as a uniform, badge,
11 or vehicle, while performing a private investigation. Law
12 enforcement officers shall provide their own equipment;

13 (c) Utilizing law enforcement officer arrest and use of
14 force standards. Law enforcement officers shall use private
15 person arrest and use of force standards while operating as a
16 private investigator;

17 (5) Law enforcement officers shall produce evidence of
18 training and experience concerning the legal limits imposed on
19 private investigations or pass a test on such subject produced by
20 the board; and

21 (6) The provisions of sections 324.1100 to 324.1140 shall
22 not apply to law enforcement officers who provide only private
23 security services and not private investigator services.

24 324.1140. Any person who violates sections 324.1100 to
25 324.1140 is guilty of a class A misdemeanor. Any second or

1 subsequent violation of sections 324.1100 to 324.1140 is a class
2 D felony.

3 326.256. 1. As used in this chapter, the following terms
4 mean:

5 (1) "AICPA", the American Institute of Certified Public
6 Accountants;

7 (2) "Attest", providing the following financial statement
8 services:

9 (a) Any audit or other engagement to be performed in
10 accordance with the Statements on Auditing Standards (SAS);

11 (b) Any examination of prospective financial information to
12 be performed in accordance with the Statements on Standards for
13 Attestation Engagements (SSAE);

14 (3) "Board", the Missouri state board of accountancy
15 established pursuant to section 326.259 or its predecessor
16 pursuant to prior law;

17 (4) "Certificate", a certificate issued pursuant to section
18 326.060 prior to August 28, 2001;

19 (5) "Certified public accountant" or "CPA", the holder of a
20 certificate or license as defined in this section;

21 (6) "Certified public accountant firm", "CPA firm" or
22 "firm", a sole proprietorship, a corporation, a partnership or
23 any other form of organization issued a permit pursuant to
24 section 326.289;

25 (7) "Client", a person or entity that agrees with a

1 licensee or licensee's employer to receive any professional
2 service;

3 (8) "Compilation", providing a service to be performed in
4 accordance with Statements on Standards for Accounting and Review
5 Services (SSARS) that is presented in the form of financial
6 statements information that is the representation of management
7 (owners) without undertaking to express any assurance on the
8 statements;

9 (9) "License", a license issued pursuant to section
10 326.280, or a provisional license issued pursuant to section
11 326.283; or, in each case, an individual license or permit issued
12 pursuant to corresponding provisions of prior law;

13 (10) "Licensee", the holder of a license as defined in this
14 section;

15 (11) "Manager", a manager of a limited liability company;

16 (12) "Member", a member of a limited liability company;

17 (13) "NASBA", the National Association of State Boards of
18 Accountancy;

19 (14) "Peer review", a study, appraisal or review of one or
20 more aspects of the professional work of a licensee or certified
21 public accountant firm that performs attest, review or
22 compilation services, by licensees who are not affiliated either
23 personally or through their certified public accountant firm
24 being reviewed pursuant to the Standards for Performing and
25 Reporting on Peer Reviews promulgated by the AICPA or such other

1 standard adopted by regulation of the board which meets or
2 exceeds the AICPA standards;

3 (15) "Permit", a permit to practice as a certified public
4 accountant firm issued pursuant to section 326.289 or
5 corresponding provisions of prior law or pursuant to
6 corresponding provisions of the laws of other states;

7 (16) "Professional", arising out of or related to the
8 specialized knowledge or skills associated with certified public
9 accountants;

10 (17) "Public [accountancy] accounting":

11 (a) Performing or offering to perform for an enterprise,
12 client or potential client one or more services involving the use
13 of accounting or auditing skills, or one or more management
14 advisory or consulting services, or the preparation of tax
15 returns or the furnishing of advice on tax matters by a person,
16 firm, limited liability company or professional corporation using
17 the title "C.P.A." or "P.A." in signs, advertising, directory
18 listing, business cards, letterheads or other public
19 representations;

20 (b) Signing or affixing a name, with any wording indicating
21 the person or entity has expert knowledge in accounting or
22 auditing to any opinion or certificate attesting to the
23 reliability of any representation or estimate in regard to any
24 person or organization embracing financial information or facts
25 respecting compliance with conditions established by law or

1 contract, including but not limited to statutes, ordinances,
2 rules, grants, loans and appropriations; or

3 (c) Offering to the public or to prospective clients to
4 perform, or actually performing on behalf of clients,
5 professional services that involve or require an audit or
6 examination of financial records leading to the expression of a
7 written attestation or opinion concerning these records;

8 (18) "Report", when used with reference to financial
9 statements, means an opinion, report or other form of language
10 that states or implies assurance as to the reliability of any
11 financial statements, and that also includes or is accompanied by
12 any statement or implication that the person or firm issuing it
13 has special knowledge or competence in accounting or auditing.
14 Such a statement or implication of special knowledge or
15 competence may arise from use by the issuer of the report of
16 names or titles indicating that the person or firm is an
17 accountant or auditor, or from the language of the report itself.
18 The term report includes any form of language which disclaims an
19 opinion when such form of language is conventionally understood
20 to imply any positive assurance as to the reliability of the
21 financial statements referred to or special competence on the
22 part of the person or firm issuing such language, or both, and
23 includes any other form of language that is conventionally
24 understood to imply such assurance or such special knowledge or
25 competence, or both;

1 (19) "Review", providing a service to be performed in
2 accordance with Statements on Standards for Accounting and Review
3 Services (SSARS) that is performing inquiry and analytical
4 procedures that provide the accountant with a reasonable basis
5 for expressing limited assurance that there are no material
6 modifications that should be made to the statements for them to
7 be in conformity with generally accepted accounting principles
8 or, if applicable, with another comprehensive basis of
9 accounting;

10 (20) "State", any state of the United States, the District
11 of Columbia, Puerto Rico, the U.S. Virgin Islands and Guam;
12 except that "this state" means the state of Missouri;

13 (21) "Substantial equivalency", a determination by the
14 board of accountancy or its designee that the education,
15 examination and experience requirements contained in the statutes
16 and administrative rules of another jurisdiction are comparable
17 to or exceed the education, examination and experience
18 requirements contained in this chapter or that an individual
19 certified public accountant's education, examination and
20 experience qualifications are comparable to or exceed the
21 education, examination and experience requirements contained in
22 this chapter;

23 (22) "Transmittal", any transmission of information in any
24 form, including but not limited to any and all documents,
25 records, minutes, computer files, disks or information.

1 2. The statements on standards specified in this section
2 shall be adopted by reference by the board pursuant to rulemaking
3 and shall be those developed for general application by the AICPA
4 or other recognized national accountancy organization as
5 prescribed by board rule.

6 326.271. 1. The board shall promulgate rules of procedure
7 for governing the conduct of matters before the board.

8 2. The board shall promulgate rules of professional conduct
9 for establishing and maintaining high standards of competence and
10 integrity in the profession of public [accountancy] accounting.

11 3. In promulgating rules and regulations regarding the
12 requirements of continuing education, the board:

13 (1) May use and rely upon guidelines and pronouncements of
14 recognized educational and professional associations;

15 (2) May prescribe for content, duration and organization of
16 courses;

17 (3) Shall consider applicant accessibility to continuing
18 education as required by the board, and any impediments to the
19 interstate practice of public [accountancy] accounting which may
20 result from differences in requirements in states;

21 (4) May in its discretion relax or suspend continuing
22 education requirements for instances of individual hardship;

23 (5) Shall not require the completion of more than one
24 hundred twenty hours of continuing education or its equivalent in
25 any three-year period, not more than one-third of which shall be

1 required in any one year. The continuing education requirements
2 must be capable of being fulfilled in programs or courses
3 reasonably available to licensees within the state.

4 4. The board may require by rule licensees to submit any
5 continuing education reporting as the board deems necessary.

6 5. Any rule or portion of a rule, as that term is defined
7 in section 536.010, RSMo, that is created under the authority
8 delegated in this chapter shall become effective only if it
9 complies with and is subject to all of the provisions of chapter
10 536, RSMo, and, if applicable, section 536.028, RSMo. This
11 chapter and chapter 536, RSMo, are nonseverable and if any of the
12 powers vested with the general assembly pursuant to chapter 536,
13 RSMo, to review, to delay the effective date or to disapprove and
14 annul a rule are subsequently held unconstitutional, then the
15 grant of rulemaking authority and any rule proposed or adopted
16 after August 28, 2001, shall be invalid and void.

17 326.280. 1. A license shall be granted by the board to any
18 person who meets the requirements of this chapter and who:

19 (1) Is a resident of this state or has a place of business
20 in this state or, as an employee, is regularly employed in this
21 state;

22 (2) Has attained the age of twenty-one years;

23 (3) Is of good moral character;

24 (4) Either:

25 (a) Applied for the initial examination prior to June 30,

1 1999, and holds a baccalaureate degree conferred by an accredited
2 college or university recognized by the board, with a
3 concentration in accounting or the substantial equivalent of a
4 concentration in accounting as determined by the board; or

5 (b) Applied for the initial examination on or after June
6 30, 1999, and has at least one hundred fifty semester hours of
7 college education, including a baccalaureate or higher degree
8 conferred by an accredited college or university recognized by
9 the board, with the total educational program including an
10 accounting concentration or equivalent as determined by board
11 rule to be appropriate;

12 (5) Has passed an examination in accounting, auditing and
13 such other related subjects as the board shall determine is
14 appropriate; and

15 (6) Has had one year of experience. Experience shall be
16 verified by a licensee and shall include any type of service or
17 advice involving the use of accounting, attest, review,
18 compilation, management advisory, financial advisory, tax or
19 consulting skills including governmental accounting, budgeting or
20 auditing. The board shall promulgate rules and regulations
21 concerning the verifying licensee's review of the applicant's
22 experience.

23 2. The board [shall] may prescribe by rule the terms and
24 conditions for reexaminations and fees to be paid for
25 reexaminations.

1 3. A person who, on August 28, 2001, holds an individual
2 permit issued pursuant to the laws of this state shall not be
3 required to obtain additional licenses pursuant to sections
4 326.280 to 326.286, and the licenses issued shall be considered
5 licenses issued pursuant to sections 326.280 to 326.286.
6 However, such persons shall be subject to the provisions of
7 section 326.286 for renewal of licenses.

8 4. Upon application, the board may issue a temporary
9 license to an applicant pursuant to this subsection for a person
10 who has made a prima facie showing that the applicant meets all
11 of the requirements for a license and possesses the experience
12 required. The temporary license shall be effective only until
13 the board has had the opportunity to investigate the applicant's
14 qualifications for licensure pursuant to subsection 1 of this
15 section and notify the applicant that the applicant's application
16 for a license has been granted or rejected. In no event shall a
17 temporary license be in effect for more than twelve months after
18 the date of issuance nor shall a temporary license be reissued to
19 the same applicant. No fee shall be charged for a temporary
20 license. The holder of a temporary license which has not
21 expired, been suspended or revoked shall be deemed to be the
22 holder of a license issued pursuant to this section until the
23 temporary license expires, is terminated, suspended or revoked.

24 5. An applicant for an examination who meets the
25 educational requirements of subdivision (4) of subsection 1 of

1 this section or who reasonably expects to meet those requirements
2 within sixty days after the examination shall be eligible for
3 examination if the applicant also meets the requirements of
4 subdivisions (1), (2) and (3) of subsection 1 of this section.
5 For an applicant admitted to examination on the reasonable
6 expectation that the applicant will meet the educational
7 requirements within sixty days, no license shall be issued nor
8 credit for the examination or any part thereof given unless the
9 educational requirement is in fact met within the sixty-day
10 period.

11 326.283. 1. (1) An individual whose principal place of
12 business is not in this state and has a valid designation to
13 practice public [accountancy] accounting from any state which the
14 board has determined by rule to be in substantial equivalence
15 with the licensure requirements of sections 326.250 to 326.331,
16 or if the individual's qualifications are substantially
17 equivalent to the licensure requirements of sections 326.250 to
18 326.331, shall be presumed to have qualifications substantially
19 equivalent to this state's requirements and shall have all the
20 privileges of licensees of this state, provided the individual
21 shall notify the board of his or her intent to engage in the
22 practice of accounting with a client within this state whether in
23 person, by electronic or technological means, or any other
24 manner. The board by rule may require individuals to obtain a
25 license.

1 (2) Any individual of another state exercising the
2 privilege afforded pursuant to this section consents as a
3 condition of the grant of this privilege to:

4 (a) The personal and subject matter jurisdiction and
5 disciplinary authority of the board;

6 (b) Comply with this chapter and the board's rules; and

7 (c) The appointment of the state board which issued the
8 individual's license as his or her agent upon whom process may be
9 served in any action or proceeding by this board against the
10 individual.

11 (3) Nothing in this section shall prohibit temporary
12 practice in this state for professional business incidental to a
13 CPA's regular practice outside this state. "Temporary practice"
14 means that practice which is a continuation or extension of an
15 engagement for a client located outside this state, which
16 engagement began outside this state and extends into this state
17 through common ownership, existence of a subsidiary, assets or
18 other operations located within this state.

19 2. A licensee of this state offering or rendering services
20 or using his or her certified public accountant title in another
21 state shall be subject to disciplinary action in this state for
22 an act committed in another state for which the licensee would be
23 subject to discipline for an act committed in the other state.
24 Notwithstanding the provisions of section 326.274 to the
25 contrary, the board may investigate any complaint made by the

1 board of accountancy of another state.

2 326.286. 1. The board may grant or renew licenses to
3 persons who make application and demonstrate that[:

4 (1)] their qualifications, including the qualifications
5 prescribed by section 326.280, are in accordance with this
6 section[; or

7 (2) They are eligible under the substantial equivalency
8 standard pursuant to subsection 1 of section 326.283].

9 2. Licenses shall be initially issued and renewed for
10 periods of not more than three years and shall expire on the
11 renewal date following issuance or renewal. Applications for
12 licenses shall be made in such form, and in the case of
13 applications for renewal, between such dates, as the board by
14 rule shall specify. Application and renewal fees shall be
15 determined by the board by rule.

16 3. With regard to applicants that do not qualify for
17 reciprocity [under] pursuant to subsection 1 of this section, or
18 a provisional license through the substantial equivalency
19 standard set out in subsection 1 of section 326.283, the board
20 may issue a license to an applicant upon a showing that:

21 (1) The applicant passed the examination required for
22 issuance of the applicant's certificate with grades that would
23 have been passing grades at the time in this state;

24 (2) The applicant had four years of experience outside of
25 this state of the type described in subdivision (6) of subsection

1 1 of section 326.280 or meets equivalent requirements prescribed
2 by the board by rule, after passing the examination upon which
3 the applicant's license was based and within the ten years
4 immediately preceding the application; and

5 (3) If the applicant's certificate, license or permit was
6 issued more than four years prior to the application for issuance
7 of a license pursuant to this section, the applicant has
8 fulfilled the requirements of continuing professional education
9 that would have been applicable pursuant to subsection 6 of this
10 section.

11 4. As an alternative to the requirements of subsection 3 of
12 this section, a certified public accountant licensed by another
13 state who establishes a principal place of business in this state
14 shall request the issuance of a license from the board prior to
15 establishing the principal place of business. The board may
16 issue a license to the person who obtains verification from the
17 NASBA National Qualification Appraisal Service that the
18 individual's qualifications are substantially equivalent to the
19 licensure requirements of sections 326.250 to 326.331.

20 5. An application pursuant to this section may be made
21 through the NASBA Qualification Appraisal Service.

22 6. For renewal of a license pursuant to this section, each
23 licensee shall participate in a program of learning designed to
24 maintain professional competency. The program of learning shall
25 comply with rules adopted by the board. The board may create by

1 rule an exception to such requirement for licensees who do not
2 perform or offer to perform for the public one or more kinds of
3 services involving the use of accounting or auditing skills,
4 including issuance of reports on financial statements or of one
5 or more kinds of management advisory, financial advisory or
6 consulting services, or the preparation of tax returns or the
7 furnishing of advice on tax matters. Licensees granted an
8 exception by the board shall place the word "inactive" adjacent
9 to their certified public accountant title on any business card,
10 letterhead or any other document or device, except their
11 certified public accountant certificate, on which their certified
12 public accountant title appears.

13 7. Applicants for initial issuance or renewal of licenses
14 pursuant to this section shall list all states in which they have
15 applied for or hold certificates, licenses or permits and list
16 any past denial, revocation or suspension or any discipline of a
17 certificate, license or permit. Each holder of or applicant for
18 a license shall notify the board in writing within thirty days
19 after its occurrence of any issuance, denial, revocation or
20 suspension or any discipline of a certificate, license or permit
21 by another state.

22 8. The board may issue a license to a holder of a
23 substantially equivalent foreign designation, provided that:

24 (1) The foreign authority which granted the designation
25 makes similar provisions to allow a person who holds a valid

1 license issued by this state to obtain such foreign authority's
2 comparable designation; and

3 (2) The foreign designation:

4 (a) Was duly issued by a foreign authority that regulates
5 the practice of public [accountancy] accounting and the foreign
6 designation has not expired or been revoked or suspended;

7 (b) Entitles the holder to issue reports upon financial
8 statements; and

9 (c) Was issued upon the basis of educational, examination
10 and experience requirements established by the foreign authority
11 or by law; and

12 (3) The applicant:

13 (a) Received the designation based on educational and
14 examination standards substantially equivalent to those in effect
15 in this state at the time the foreign designation was granted;

16 (b) Completed an experience requirement substantially
17 equivalent to the requirement set out in subdivision (6) of
18 subsection 1 of section 326.280 in the jurisdiction which granted
19 the foreign designation or has completed four years of
20 professional experience in this state, or meets equivalent
21 requirements prescribed by the board by rule within the ten years
22 immediately preceding the application; and

23 (c) Passed a uniform qualifying examination in national
24 standards and an examination on the laws, regulations and code of
25 ethical conduct in effect in this state acceptable to the board.

1 9. An applicant pursuant to subsection 8 of this section
2 shall list all jurisdictions, foreign and domestic, in which the
3 applicant has applied for or holds a designation to practice
4 public [accountancy] accounting. Each holder of a license issued
5 pursuant to this subsection shall notify the board in writing
6 within thirty days after its occurrence of any issuance, denial,
7 revocation, suspension or any discipline of a designation or
8 commencement of a disciplinary or enforcement action by any
9 jurisdiction.

10 10. The board has the sole authority to interpret the
11 application of the provisions of subsections 8 and 9 of this
12 section.

13 [11. The board shall require by rule as a condition for
14 renewal of a license by any licensee who performs review or
15 compilation services for the public other than through a
16 certified public accountant firm that the individual undergo, no
17 more frequently than once every three years, a peer review
18 conducted in a manner as the board by rule shall specify, and the
19 review shall include verification that the individual has met the
20 competency requirements set out in professional standards for
21 such services.]

22 326.289. 1. The board may grant or renew permits to
23 practice as a certified public accounting firm to entities that
24 make application and demonstrate their qualifications in
25 accordance with this section or to certified public accounting

1 firms originally licensed in another state that establish an
2 office in this state. A firm shall hold a permit issued pursuant
3 to this section to provide attest, review or compilation services
4 or to use the title certified public accountant or certified
5 public accounting firm.

6 2. Permits shall be initially issued and renewed for
7 periods of not more than three years or for a specific period as
8 prescribed by board rule following issuance or renewal.

9 3. The board shall determine by rule the form for
10 application and renewal of permits and shall annually determine
11 the fees for permits and their renewals.

12 4. An applicant for initial issuance or renewal of a permit
13 to practice pursuant to this section shall be required to show
14 that:

15 (1) Notwithstanding any other provision of law to the
16 contrary, a simple majority of the ownership of the firm, in
17 terms of financial interests and voting rights of all partners,
18 officers, principals, shareholders, members or managers, belongs
19 to licensees who are licensed in some state, and the partners,
20 officers, principals, shareholders, members or managers, whose
21 principal place of business is in this state and who perform
22 professional services in this state are licensees pursuant to
23 section 326.280 or the corresponding provision of prior law.
24 Although firms may include nonlicensee owners, the firm and its
25 ownership shall comply with rules promulgated by the board;

1 (2) Any certified public accounting firm may include owners
2 who are not licensees, provided that:

3 (a) The firm designates a licensee of this state who is
4 responsible for the proper registration of the firm and
5 identifies that individual to the board;

6 (b) All nonlicensee owners are active individual
7 participants in the certified public accounting firm or
8 affiliated entities;

9 (c) The firm complies with other requirements as the board
10 may impose by rule;

11 (3) Any licensee, initially licensed on or after August 28,
12 2001, who is responsible for supervising attest[, review or
13 compilation] services, or signs or authorizes someone to sign the
14 licensee's report on the financial statements on behalf of the
15 firm, shall meet competency requirements as determined by the
16 board by rule which shall include one year of experience in
17 addition to the experience required pursuant to subdivision (6)
18 of subsection 1 of section 326.280 and shall be verified by a
19 licensee. The additional experience required by this subsection
20 shall include experience in attest work supervised by a licensee;

21 (4) Any licensee who is responsible for supervising review
22 services or signs or authorizes someone to sign review reports
23 shall meet the competency requirements as determined by board by
24 rule which shall include experience in review services.

25 5. An applicant for initial issuance or renewal of a permit

1 to practice shall register each office of the firm within this
2 state with the board and show that all attest, review and
3 compilation services rendered in this state are under the charge
4 of a licensee.

5 6. No licensee or firm holding a permit pursuant to this
6 chapter shall use a professional or firm name or designation that
7 is misleading as to:

8 (1) The legal form of the firm;

9 (2) The persons who are partners, officers, members,
10 managers or shareholders of the firm; or

11 (3) Any other matter.

12 The names of one or more former partners, members or shareholders
13 may be included in the name of a firm or its successor unless the
14 firm becomes a sole proprietorship because of the death or
15 withdrawal of all other partners, officers, members or
16 shareholders. A firm may use a fictitious name if the fictitious
17 name is registered with the board and is not otherwise
18 misleading. The name of a firm shall not include the name or
19 initials of an individual who is not a present or a past partner,
20 member or shareholder of the firm or its predecessor. The name
21 of the firm shall not include the name of an individual who is
22 not a licensee.

23 7. Applicants for initial issuance or renewal of permits
24 shall list in their application all states in which they have
25 applied for or hold permits as certified public accounting firms

1 and list any past denial, revocation, suspension or any
2 discipline of a permit by any other state. Each holder of or
3 applicant for a permit pursuant to this section shall notify the
4 board in writing within thirty days after its occurrence of any
5 change in the identities of partners, principals, officers,
6 shareholders, members or managers whose principal place of
7 business is in this state; any change in the number or location
8 of offices within this state; any change in the identity of the
9 persons in charge of such offices; and any issuance, denial,
10 revocation, suspension or any discipline of a permit by any other
11 state.

12 8. Firms which fall out of compliance with the provisions
13 of this section due to changes in firm ownership or personnel
14 after receiving or renewing a permit shall take corrective action
15 to bring the firm back into compliance as quickly as possible.
16 The board may grant a reasonable period of time for a firm to
17 take such corrective action. Failure to bring the firm back into
18 compliance within a reasonable period as defined by the board may
19 result in the suspension or revocation of the firm permit.

20 9. The board shall require by rule, as a condition to the
21 renewal of permits, that firms undergo, no more frequently than
22 once every three years, peer reviews conducted in a manner as the
23 board shall specify. The review shall include a verification
24 that individuals in the firm who are responsible for supervising
25 attest, review and compilation services or sign or authorize

1 someone to sign the accountant's report on the financial
2 statements on behalf of the firm meet the competency requirements
3 set out in the professional standards for such services, provided
4 that any such rule:

5 (1) Shall include reasonable provision for compliance by a
6 firm showing that it has within the preceding three years
7 undergone a peer review that is a satisfactory equivalent to peer
8 review generally required pursuant to this subsection;

9 (2) May require, with respect to peer reviews, that peer
10 reviews be subject to oversight by an oversight body established
11 or sanctioned by board rule, which shall periodically report to
12 the board on the effectiveness of the review program under its
13 charge and provide to the board a listing of firms that have
14 participated in a peer review program that is satisfactory to the
15 board; and

16 (3) Shall require, with respect to peer reviews, that the
17 peer review processes be operated and documents maintained in a
18 manner designed to preserve confidentiality, and that the board
19 or any third party other than the oversight body shall not have
20 access to documents furnished or generated in the course of the
21 peer review of the firm except as provided in subdivision (2) of
22 this subsection.

23 10. Prior to January 1, 2008, licensees who perform fewer
24 than three attest services during each calendar year shall be
25 exempt from the requirements of subsection 9 of this section.

1 11. The board may, by rule, charge a fee for oversight of
2 peer reviews, provided that the fee charged shall be
3 substantially equivalent to the cost of oversight.

4 12. In connection with proceedings before the board or upon
5 receipt of a complaint involving the licensee performing peer
6 reviews, the board shall not have access to any documents
7 furnished or generated in the course of the performance of the
8 peer reviews except for peer review reports, letters of comment
9 and summary review memoranda. The documents shall be furnished
10 to the board only in a redacted manner that does not specifically
11 identify any firm or licensee being peer reviewed or any of their
12 clients.

13 13. The peer review processes shall be operated and the
14 documents generated thereby be maintained in a manner designed to
15 preserve their confidentiality. No third party, other than the
16 oversight body, the board, subject to the provisions of
17 subsection 12 of this section, or the organization performing
18 peer review shall have access to documents furnished or generated
19 in the course of the review. All documents shall be privileged
20 and closed records for all purposes and all meetings at which the
21 documents are discussed shall be considered closed meetings
22 pursuant to subdivision (1) of section 610.021, RSMo. The
23 proceedings, records and workpapers of the board and any peer
24 review subjected to the board process shall be privileged and
25 shall not be subject to discovery, subpoena or other means of

1 legal process or introduction into evidence at any civil action,
2 arbitration, administrative proceeding or board proceeding. No
3 member of the board or person who is involved in the peer review
4 process shall be permitted or required to testify in any civil
5 action, arbitration, administrative proceeding or board
6 proceeding as to any matters produced, presented, disclosed or
7 discussed during or in connection with the peer review process or
8 as to any findings, recommendations, evaluations, opinions or
9 other actions of such committees or any of its members; provided,
10 however, that information, documents or records that are publicly
11 available shall not be subject to discovery or use in any civil
12 action, arbitration, administrative proceeding or board
13 proceeding merely because they were presented or considered in
14 connection with the peer review process.

15 326.292. 1. Only licensees may issue a report on financial
16 statements of any person, firm, organization or governmental unit
17 or offer to render or render any attest service. Such
18 restriction shall not prohibit any act of a public official or
19 public employee in the performance of the person's duties as
20 such; nor prohibit the performance by any nonlicensee of other
21 services involving the use of accounting skills, including the
22 preparation of tax returns, management advisory services and the
23 preparation of nonattest financial statements. Nonlicensees may
24 prepare financial statements and issue nonattest transmittals or
25 information thereon which do not purport to be in compliance with

1 the Statements on Standards for Accounting and Review Services
2 (SSARS).

3 2. Only certified public accountants shall use or assume
4 the title certified public accountant, or the abbreviation CPA or
5 any other title, designation, words, letters, abbreviation, sign,
6 card or device tending to indicate that such person is a
7 certified public accountant. Nothing in this section shall
8 prohibit:

9 (1) A certified public accountant whose certificate was in
10 full force and effect, issued pursuant to the laws of this state
11 prior to August 28, 2001, and who does not engage in the practice
12 of public accounting, auditing, bookkeeping or any similar
13 occupation, from using the title certified public accountant or
14 abbreviation CPA;

15 (2) A person who holds a certificate, then in force and
16 effect, issued pursuant to the laws of this state prior to August
17 28, 2001, and who is regularly employed by or is a director or
18 officer of a corporation, partnership, association or business
19 trust, in his or her capacity as such, from signing, delivering
20 or issuing any financial, accounting or related statement, or
21 report thereon relating to such corporation, partnership,
22 association or business trust provided the capacity is so
23 designated, and provided in the signature line the title CPA or
24 certified public accountant is not designated.

25 3. No firm shall provide attest services or assume or use

1 the title certified public accountants or the abbreviation CPAs,
2 or any other title, designation, words, letters, abbreviation,
3 sign, card or device tending to indicate that such firm is a
4 certified public accounting firm unless:

5 (1) The firm holds a valid permit issued pursuant to
6 section 326.289; and

7 (2) Ownership of the firm is in accord with section 326.289
8 and rules promulgated by the board.

9 4. Only persons holding a valid license or permit issued
10 pursuant to section 326.280 or 326.289 shall assume or use the
11 title certified accountant, chartered accountant, enrolled
12 accountant, licensed accountant, registered accountant,
13 accredited accountant or any other title or designation likely to
14 be confused with the titles certified public accountant or public
15 accountant, or use any of the abbreviations CA, LA, RA, AA or
16 similar abbreviation likely to be confused with the abbreviation
17 CPA or PA. The title enrolled agent or EA shall only be used by
18 individuals so designated by the Internal Revenue Service.

19 Nothing in this section shall prohibit the use or issuance of a
20 title for nonattest services provided that the organization and
21 the title issued by the organization existed prior to August 28,
22 2001.

23 5. (1) Nonlicensees shall not use language in any
24 statement relating to the financial affairs of a person or entity
25 that is conventionally used by certified public accountants in

1 reports on financial statements. Nonlicensees may use the
2 following safe harbor language:

3 (a) For compilations:

4 "I (We) have prepared the accompanying (financial statements) of
5 (name of entity) as of (time period) for the (period) then ended.
6 This presentation is limited to preparing in the form of a
7 financial statement information that is the representation of
8 management (owners). I (We) have not audited or reviewed the
9 accompanying financial statements and accordingly do not express
10 an opinion or any other form of assurance on them.";

11 (b) For reviews:

12 "I (We) reviewed the accompanying (financial statements) of
13 (name of entity) as of (time period) for the (period) then ended.
14 These financial statements (information) are (is) the
15 responsibility of the company's management. I (We) have not
16 audited the accompanying financial statements and accordingly do
17 not express an opinion or any other form of assurance on them.".

18 (2) Only persons or firms holding a valid license or permit
19 issued pursuant to section 326.280 or 326.289 shall assume or use
20 any title or designation that includes the words accountant or
21 accounting in connection with any other language, including the
22 language of a report, that implies that the person or firm holds
23 a license or permit or has special competence as an accountant or
24 auditor; provided, however, that this subsection shall not
25 prohibit any officer, partner, principal, member, manager or

1 employee of any firm or organization from affixing such person's
2 own signature to any statement in reference to the financial
3 affairs of the firm or organization with any wording designating
4 the position, title or office that the person holds therein nor
5 prohibit any act of a public official or employee in the
6 performance of the person's duties as such. Nothing in this
7 subsection shall prohibit the singular use of "accountant" or
8 "accounting" for nonattest purposes.

9 6. Licensees signing or authorizing someone to sign reports
10 on financial statements when performing attest, review or
11 compilation services shall provide those services in accordance
12 with professional standards as determined by the board by rule.

13 7. No licensee or holder of a provisional license or firm
14 holding a permit pursuant to sections 326.280 to 326.289 shall
15 use a professional or firm name or designation that is misleading
16 about the legal form of the firm, or about the persons who are
17 partners, principals, officers, members, managers or shareholders
18 of the firm, or about any other matter.

19 8. None of the foregoing provisions of this section shall
20 apply to a person or firm holding a certification, designation,
21 degree or license granted in a foreign country entitling the
22 holder to engage in the practice of public [accountancy]
23 accounting or its equivalent in the country whose activities in
24 this state are limited to the provision of professional services
25 to persons or firms who are residents of, governments of, or

1 business entities of the country in which the person holds the
2 entitlement, who performs no attest, review or compilation
3 services and who issues no reports with respect to the financial
4 statements of any other persons, firms or governmental units in
5 this state, and who does not use in this state any title or
6 designation other than the one under which the person practices
7 in such country, followed by a translation of such title or
8 designation into the English language, if it is in a different
9 language, and by the name of such country.

10 9. No licensee whose license is issued pursuant to section
11 326.280 or issued pursuant to prior law shall perform attest
12 services through any certified public accounting firm that does
13 not hold a valid permit issued pursuant to section 326.289.

14 10. [No individual licensee shall issue a report in
15 standard form upon a compilation or review of financial
16 information through any form of business that does not hold a
17 valid permit issued pursuant to section 326.289 unless the report
18 discloses the name of the business through which the individual
19 is issuing the report, and the individual:

20 (1) Signs the compilation or review report identifying the
21 individual as a licensee;

22 (2) Meets the competency requirement provided in applicable
23 standards; and

24 (3) Undergoes, no less frequently than once every three
25 years, a peer review conducted in a manner as the board by rule

1 shall specify, and the review shall include verification that the
2 individual has met the competency requirements set out in
3 professional standards for such services.

4 11.] Nothing herein shall prohibit a practicing attorney or
5 firm of attorneys from preparing or presenting records or
6 documents customarily prepared by an attorney or firm of
7 attorneys in connection with the attorney's professional work in
8 the practice of law.

9 [12.] 11. Nothing herein shall prohibit any trustee,
10 executor, administrator, referee or commissioner from signing and
11 certifying financial reports incident to his or her duties in
12 that capacity.

13 [13.] 12. Nothing herein shall prohibit any director or
14 officer of a corporation, partner or a partnership, sole
15 proprietor of a business enterprise, member of a joint venture,
16 member of a committee appointed by stockholders, creditors or
17 courts, or an employee of any of the foregoing, in his or her
18 capacity as such, from signing, delivering or issuing any
19 financial, accounting or related statement, or report thereon,
20 relating to the corporation, partnership, business enterprise,
21 joint venture or committee, provided the capacity is designated
22 on the statement or report.

23 [14.] 13. (1) A licensee shall not for a commission
24 recommend or refer to a client any product or service, or for a
25 commission recommend or refer any product or service to be

1 supplied by a client, or receive a commission, when the licensee
2 also performs for that client:

3 (a) An audit or review of a financial statement; or

4 (b) A compilation of a financial statement when the
5 licensee expects, or reasonably may expect, that a third party
6 will use the financial statement and the licensee's compilation
7 report does not disclose a lack of independence; or

8 (c) An examination of prospective financial information.

9 Such prohibition applies during the period in which the licensee
10 is engaged to perform any of the services listed above and the
11 period covered by any historical financial statements involved in
12 such listed services.

13 (2) A licensee who is not prohibited by this section from
14 performing services for or receiving a commission and who is paid
15 or expects to be paid a commission shall disclose in writing that
16 fact to any person or entity to whom the licensee recommends or
17 refers a product or service to which the commission relates.

18 (3) Any licensee who accepts a referral fee for
19 recommending or referring any service of a licensee to any person
20 or entity or who pays a referral fee to obtain a client shall
21 disclose in writing the acceptance or payment to the client.

22 [15.] 14. (1) A licensee shall not:

23 (a) Perform for a contingent fee any professional services
24 for, or receive a fee from, a client for whom the licensee or the
25 licensees's firm performs:

1 a. An audit or review of a financial statement; or
2 b. A compilation of a financial statement when the licensee
3 expects, or reasonably might expect, that a third party will use
4 the financial statement and the licensee's compilation report
5 does not disclose a lack of independence; or

6 c. An examination of prospective financial information;
7 [or]

8 (b) Prepare an original [or amended] tax return or claim
9 for a tax refund for a contingent fee for any client; or

10 (c) Prepare an amended tax return or claim for a tax refund
11 for a contingent fee for any client, unless permitted by board
12 rule.

13 (2) The prohibition in subdivision (1) of this subsection
14 applies during the period in which the licensee is engaged to
15 perform any of those services and the period covered by any
16 historical financial statements involved in any services.

17 (3) A contingent fee is a fee established for the
18 performance of any service pursuant to an arrangement in which no
19 fee will be charged unless a specified finding or result is
20 attained, or in which the amount of the fee is otherwise
21 dependent upon the finding or result of the service. Solely for
22 purposes of this section, fees are not regarded as being
23 contingent if fixed by courts or other public authorities, or, in
24 tax matters, if determined based on the results of judicial
25 proceedings or the findings of governmental agencies. A

1 licensee's fees may vary depending, for example, on the
2 complexity of services rendered.

3 [16.] 15. Any person who violates any provision of
4 subsections 1 to 5 of this section shall be guilty of a class A
5 misdemeanor. Whenever the board has reason to believe that any
6 person has violated this section it may certify the facts to the
7 attorney general of this state or bring other appropriate
8 proceedings.

9 329.010. As used in this chapter, unless the context
10 clearly indicates otherwise, the following words and terms mean:

11 (1) "Apprentice" or "student", a person who is engaged in
12 training within a cosmetology establishment or school, and while
13 so training performs any of the practices of the classified
14 occupations within this chapter under the immediate direction and
15 supervision of a registered cosmetologist or instructor;

16 (2) "Board", the state board of cosmetology;

17 (3) "Cosmetologist", any person who, for compensation,
18 engages in the practice of cosmetology, as defined in subdivision
19 (4) of this section;

20 (4) "Cosmetology" includes performing or offering to engage
21 in any acts of the classified occupations of cosmetology for
22 compensation, which shall include:

23 (a) "Class CH - hairdresser" includes arranging, dressing,
24 curling, singeing, waving, permanent waving, cleansing, cutting,
25 bleaching, tinting, coloring or similar work upon the hair of any

1 person by any means; or removing superfluous hair from the body
2 of any person by means other than electricity, or any other means
3 of arching or tinting eyebrows or tinting eyelashes. Class CH -
4 hairdresser, also includes, any person who either with the
5 person's hands or with mechanical or electrical apparatuses or
6 appliances, or by the use of cosmetic preparations, antiseptics,
7 tonics, lotions or creams engages for compensation in any one or
8 any combination of the following: massaging, cleaning,
9 stimulating, manipulating, exercising, beautifying or similar
10 work upon the scalp, face, neck, arms or bust;

11 (b) "Class MO - manicurist" includes cutting, trimming,
12 polishing, coloring, tinting, cleaning or otherwise beautifying a
13 person's fingernails, applying artificial fingernails, massaging,
14 cleaning a person's hands and arms; pedicuring, which includes,
15 cutting, trimming, polishing, coloring, tinting, cleaning or
16 otherwise beautifying a person's toenails, applying artificial
17 toenails, massaging and cleaning a person's legs and feet;

18 (c) "Class CA - hairdressing and manicuring" includes all
19 practices of cosmetology, as defined in paragraphs (a) and (b) of
20 this subdivision;

21 (d) "Class E - estheticians" includes the use of
22 mechanical, electrical apparatuses or appliances, or by the use
23 of cosmetic preparations, antiseptics, tonics, lotions or creams,
24 not to exceed ten percent phenol, engages for compensation,
25 either directly or indirectly, in any one, or any combination, of

1 the following practices: massaging, cleansing, stimulating,
2 manipulating, exercising, beautifying or similar work upon the
3 scalp, face, neck, ears, arms, hands, bust, torso, legs or feet
4 and removing superfluous hair by means other than electric needle
5 or any other means of arching or tinting eyebrows or tinting
6 eyelashes, of any person;

7 (e) "Class RE - electrologist" includes the use of
8 equipment and devices which have been approved by and registered
9 with the federal Food and Drug Administration for the permanent
10 removal of hair by destroying the hair-producing cells of the
11 skin and vascular system;

12 (5) "Cosmetology establishment", that part of any building
13 wherein or whereupon any of the classified occupations are
14 practiced;

15 (6) "Division", the division of professional registration
16 of the department of economic development;

17 (7) "Electrologist", a person who engages in the practice
18 of electrolysis;

19 (8) "Electrolysis", the permanent removal of hair by
20 destroying the hair-producing cells of the skin and vascular
21 system using equipment and devices which have been approved by
22 and registered with the federal Food and Drug Administration for
23 the removal of hair;

24 (9) "Hairdresser", any person who, for compensation,
25 engages in the practice of cosmetology as defined in paragraph

1 (a) of subdivision (4) of this section;

2 [(7)] (10) "Instructor", any person who is licensed to
3 teach cosmetology or any practices of cosmetology pursuant to
4 this chapter;

5 [(8)] (11) "Manicurist", any person who, for compensation,
6 engages in any or all of the practices in paragraph (b) of
7 subdivision (4) of this section;

8 [(9)] (12) "School of cosmetology" or "school of
9 manicuring", an establishment operated for the purpose of
10 teaching cosmetology as defined in subdivision (4) of this
11 section.

12 329.040. 1. Any person of good moral character may make
13 application to the board for a license to own a school of
14 cosmetology on a form provided upon request by the board. Every
15 school of cosmetology in which any of the classified occupations
16 of cosmetology are taught shall be required to obtain a license
17 from the board prior to opening. The license shall be issued
18 upon approval of the application by the board, the payment of the
19 required fees, and the applicant meets other requirements
20 provided in this chapter. The license shall be kept posted in
21 plain view within the school at all times.

22 2. A school license renewal fee shall be due on or before
23 the renewal date of any school license issued pursuant to this
24 section. If the school license renewal fee is not paid on or
25 before the renewal date, a late fee shall be added to the regular

1 school license fee.

2 3. No school of cosmetology shall be granted a license
3 pursuant to this chapter unless it:

4 (1) Employs and has present in the school a competent
5 licensed instructor for every twenty-five students in attendance
6 for a given class period and one to ten additional students may
7 be in attendance with the assistance of an instructor trainee.
8 One instructor is authorized to teach up to three instructor
9 trainees immediately after being granted an instructor's license;

10 (2) Requires all students to be enrolled in a course of
11 study of no less than three hours per day and no more than twelve
12 hours per day with a weekly total that is no less than fifteen
13 hours and no more than seventy- two hours;

14 (3) Requires for the classified occupation of
15 cosmetologist, the course of study shall be no less than one
16 thousand five hundred hours or, for a student in public
17 vocational/technical school no less than one thousand two hundred
18 twenty hours; provided that, a school may elect to base the
19 course of study on credit hours by applying the credit hour
20 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of
21 the Code of Federal Regulations, as amended. The student must
22 earn a minimum of one hundred and sixty hours or equivalent
23 credits of classroom training before the student may perform any
24 of the acts of the classified occupation of cosmetology on any
25 patron or customer of the school of cosmetology;

1 (4) Requires for the classified occupation of manicurist,
2 the course of study shall be no less than four hundred hours or
3 the credit hours determined by the formula in Subpart A of Part
4 668 of Section 668.8 of Title 34 of the Code of Federal
5 Regulations, as amended. The student must earn a minimum of
6 fifty hours or equivalent credits of classroom training before
7 the student may perform any of the acts of the classified
8 occupation of manicurist on any patron or customer of the school
9 of cosmetology;

10 (5) Requires for the classified occupation of esthetician,
11 the course of study shall be no less than seven hundred fifty
12 hours or the credit hours determined by the formula in Subpart A
13 of Part 668 of Section 668.8 of Title 34 of the Code of Federal
14 Regulations, as amended. The student shall earn a minimum of
15 seventy-five hours or equivalent credits of classroom training
16 before the student may perform any of the acts of the classified
17 occupation of esthetics on any patron or customer of the school
18 of cosmetology or an esthetics school;

19 (6) Requires for the classified occupation of electrolysis.

20 4. The subjects to be taught for the classified occupation
21 of cosmetology shall be as follows and the hours required for
22 each subject shall be not less than those contained in this
23 subsection or the credit hours determined by the formula in
24 Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of
25 Federal Regulations, as amended:

- (1) Shampooing of all kinds, forty hours;
- (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- (3) Hair cutting and shaping, one hundred thirty hours;
- (4) Permanent waving and relaxing, one hundred twenty-five hours;
- (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- (6) Combouts and hair styling techniques, one hundred five hours;
- (7) Scalp treatments and scalp diseases, thirty hours;
- (8) Facials, eyebrows and arches, forty hours;
- (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- (10) Cosmetic chemistry, twenty-five hours;
- (11) Salesmanship and shop management, ten hours;
- (12) Sanitation and sterilization, thirty hours;
- (13) Anatomy, twenty hours;
- (14) State law, ten hours;
- (15) Curriculum to be defined by school, not less than four hundred seventy hours.

5. The subjects to be taught for the classified occupation of manicurist shall be as follows and the hours required for each subject shall be not less than those contained in this subsection or the credit hours determined by the formula in Subpart A of

1 Part 668 of Section 668.8 of Title 34 of the Code of Federal
2 Regulations, as amended:

3 (1) Manicuring, hand and arm massage and treatment of
4 nails, two hundred twenty hours;

5 (2) Salesmanship and shop management, twenty hours;

6 (3) Sanitation and sterilization, twenty hours;

7 (4) Anatomy, ten hours;

8 (5) State law, ten hours;

9 (6) Study of the use and application of certain chemicals,
10 forty hours; and

11 (7) Curriculum to be defined by school, not less than
12 eighty hours.

13 6. The subjects to be taught for the classified occupation
14 of esthetician shall be as follows, and the hours required for
15 each subject shall not be less than those contained in this
16 subsection or the credit hours determined by the formula in
17 Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of
18 Federal Regulations, as amended:

19 (1) Facials, cleansing, toning, massaging, one hundred
20 twenty hours;

21 (2) Makeup application, all phases, one hundred hours;

22 (3) Hair removal, thirty hours;

23 (4) Body treatments, aromatherapy, wraps, one hundred
24 twenty hours;

25 (5) Reflexology, thirty-five hours;

1 (6) Cosmetic sciences, structure, condition, disorder,
2 eighty-five hours;

3 (7) Cosmetic chemistry, products and ingredients,
4 seventy-five hours;

5 (8) Salon management and salesmanship, fifty-five hours;

6 (9) Sanitation and sterilization, safety, forty-five hours;

7 (10) State law, ten hours; and

8 (11) Curriculum to be defined by school, not less than
9 seventy-five hours.

10 7. Training for all classified occupations shall include
11 practical demonstrations, written and/or oral tests, and
12 practical instruction in sanitation, sterilization and the use of
13 antiseptics, cosmetics and electrical appliances consistent with
14 the practical and theoretical requirements as applicable to the
15 classified occupations as provided in this chapter.

16 8. No school of cosmetology shall operate within this state
17 unless a proper license pursuant to this chapter has first been
18 obtained.

19 9. Nothing contained in this chapter shall prohibit a
20 licensee within a cosmetology establishment from teaching any of
21 the practices of the classified occupations for which the
22 licensee has been licensed for not less than two years in the
23 licensee's regular course of business, if the owner or manager of
24 the business does not hold himself or herself out as a school and
25 does not hire or employ or personally teach regularly at any one

1 and the same time, more than one apprentice to each licensee
2 regularly employed within the owner's business, not to exceed one
3 apprentice per establishment, and the owner, manager, or trainer
4 does not accept any fee for instruction.

5 10. Each licensed school of cosmetology shall provide a
6 minimum of two thousand square feet of floor space, adequate
7 rooms and equipment, including lecture and demonstration rooms,
8 lockers, an adequate library and two restrooms. The minimum
9 equipment requirements shall be: six shampoo bowls, ten hair
10 dryers, two master dustproof and sanitary cabinets, wet
11 sterilizers, and adequate working facilities for twenty students.

12 11. Each licensed school of cosmetology for manicuring only
13 shall provide a minimum of one thousand square feet of floor
14 space, adequate room for theory instruction, adequate equipment,
15 lockers, an adequate library, two restrooms and a clinical
16 working area for ten students. Minimum floor space requirement
17 proportionately increases with student enrollment of over ten
18 students.

19 12. Each licensed school of cosmetology for esthetics only
20 shall provide a minimum of one thousand square feet of floor
21 space, adequate room for theory instruction, adequate equipment,
22 lockers, an adequate library, two restrooms and a clinical
23 working area for ten students. Minimum floor space requirement
24 increases fifty square feet per student with student enrollment
25 of over ten.

1 13. No school of cosmetology may have a greater number of
2 students enrolled and scheduled to be in attendance for a given
3 class period than the total floor space of that school will
4 accommodate. Floor space required per student shall be no less
5 than fifty square feet per additional student beyond twenty
6 students for a school of cosmetology, beyond ten students for a
7 school of manicuring and beyond ten students for a school of
8 esthetics.

9 14. Each applicant for a new school shall file a written
10 application with the board upon a form approved and furnished
11 upon request by the board. The applicant shall include a list of
12 equipment, the proposed curriculum, and the name and
13 qualifications of any and all of the instructors.

14 15. Each school shall display in a conspicuous place,
15 visible upon entry to the school, a sign stating that all
16 cosmetology services in this school are performed by students who
17 are in training.

18 16. Any student who wishes to remain in school longer than
19 the required training period may make application for an
20 additional training license and remain in school. A fee is
21 required for such additional training license.

22 17. All contractual fees that a student owes to any
23 cosmetology school shall be paid before such student may be
24 allowed to apply for any examination required to be taken by an
25 applicant applying for a license pursuant to the provisions of

1 this chapter.

2 329.045. Every establishment in which the occupation of
3 cosmetology is practiced shall be required to obtain a license
4 from the state board of cosmetology. Every establishment
5 required to be licensed shall pay to the state an establishment
6 fee for the first three licensed cosmetologists esthetician,
7 and/or electrologists, and/or manicurists, and/or apprentices and
8 an additional fee for each additional licensee. The fee shall be
9 due and payable on the renewal date and, if the fee remains
10 unpaid thereafter, there shall be a late fee in addition to the
11 regular establishment fee or, if a new establishment opens any
12 time during the licensing period and does not register before
13 opening, there shall be a delinquent fee in addition to the
14 regular establishment fee. The license shall be kept posted in
15 plain view within the establishment at all times.

16 329.050. 1. Applicants for examination or licensure
17 pursuant to this chapter shall possess the following
18 qualifications:

19 (1) They must be persons of good moral character, have an
20 education equivalent to the successful completion of the tenth
21 grade and be at least seventeen years of age; except that,
22 applicants for examination for licensure as an electrologist must
23 be eighteen years of age and have obtained a high school diploma;

24 (2) If the applicants are apprentices, they shall have
25 served and completed, as an apprentice under the supervision of a

1 licensed cosmetologist, the time and studies required by the
2 board which shall be no less than three thousand hours for
3 cosmetologists, and no less than seven hundred eighty hours for
4 manicurists, and no less than fifteen hundred hours for
5 esthetics, and no less than twelve hundred hours for
6 electrologists. However, when the classified occupation of
7 manicurist is apprenticed in conjunction with the classified
8 occupation of cosmetologist, the apprentices shall be required to
9 successfully complete the apprenticeship of no less than a total
10 of three thousand hours;

11 (3) If the applicants are students, they shall have had the
12 required time in a licensed school of no less than one thousand
13 five hundred hours training or the credit hours determined by the
14 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of
15 the Code of Federal Regulations, as amended, for the
16 classification of cosmetologist, with the exception of public
17 vocational technical schools in which a student shall complete no
18 less than one thousand two hundred twenty hours training. All
19 students shall complete no less than four hundred hours or the
20 credit hours determined by the formula in Subpart A of Part 668
21 of Section 668.8 of Title 34 of the Code of Federal Regulations,
22 as amended, for the classification of manicurist. All students
23 shall complete no less than seven hundred fifty hours or the
24 credit hours determined by the formula in Subpart A of Part 668
25 of Section 668.8 of Title 34 of the Code of Federal Regulations,

1 as amended, for the classification of esthetician. However, when
2 the classified occupation of manicurist is taken in conjunction
3 with the classified occupation of cosmetologist, the student
4 shall not be required to serve the extra four hundred hours or
5 the credit hours determined by the formula in Subpart A of Part
6 668 of Section 668.8 of Title 34 of the Code of Federal
7 Regulations, as amended, otherwise required to include manicuring
8 of nails; and

9 (4) They shall have passed an examination to the
10 satisfaction of the board.

11 2. A person may apply to take the examination required by
12 subsection 1 of this section if the person is a graduate of a
13 school of cosmetology or apprentice program in another state or
14 territory of the United States which has substantially the same
15 requirements as an educational establishment licensed pursuant to
16 this chapter.

17 3. Each application shall contain a statement that, subject
18 to the penalties of making a false affidavit or declaration, the
19 application is made under oath or affirmation and that its
20 representations are true and correct to the best knowledge and
21 belief of the person signing the application.

22 4. The sufficiency of the qualifications of applicants
23 shall be determined by the board, but the board may delegate this
24 authority to its executive director subject to such provisions as
25 the board may adopt.

1 5. For the purpose of meeting the minimum requirements for
2 examination, training completed by a student or apprentice shall
3 be recognized by the board for a period of no more than five
4 years from the date it is received.

5 329.070. 1. Apprentices or students shall be licensed with
6 the board and shall pay a student fee or an apprentice fee prior
7 to beginning their course, and shall be of good moral character
8 and have an education equivalent to the successful completion of
9 the tenth grade; except that, applicants for examination for
10 licensure as an electrologist must be eighteen years of age and
11 have obtained a high school diploma.

12 2. An apprentice or student shall not be enrolled in a
13 course of study that shall exceed eight hours per day or that is
14 less than three hours per day. The course of study shall be no
15 more than forty-eight hours per week and no less than fifteen
16 hours per week.

17 3. Every person desiring to act as an apprentice in any of
18 the classified occupations within this chapter shall file with
19 the board a written application on a form supplied to the
20 applicant, together with the required apprentice fee.

21 329.080. 1. An instructor trainee shall be a licensed
22 cosmetologist, esthetician, electrologist, or manicurist and
23 shall hold a license as an instructor trainee in cosmetology,
24 esthetics or manicuring. An applicant for a license to practice
25 as an instructor trainee shall submit to the board the required

1 fee and a written application on a form supplied by the board
2 upon request that the applicant is of good moral character, in
3 good physical and mental health, has successfully completed at
4 least a four-year high school course of study or the equivalent,
5 and holds a Missouri license to practice as a cosmetologist,
6 esthetician, electrologist, or manicurist. Each application
7 shall contain a statement that it is made under oath or
8 affirmation and that its representations are true and correct to
9 the best knowledge and belief of the person signing the
10 application, subject to the penalties of making a false affidavit
11 or declaration.

12 2. An applicant approved by the board shall be issued an
13 instructor trainee license. The license shall be issued for a
14 definite period needed to complete training requirements to
15 become eligible for taking the examinations. An applicant shall
16 be approved for an instructor trainee license only for those
17 classified occupations of cosmetology for which the applicant is
18 licensed at the time the instructor trainee application is
19 submitted to the board.

20 3. The instructor trainee shall be required to complete six
21 hundred hours of instructor training within a Missouri licensed
22 school of cosmetology consisting of a curriculum including both
23 theory and practical training to include the following:

24 (1) Two hundred hours to be devoted to basic principles of
25 student teaching to include teaching principles, lesson planning,

1 curriculum planning and class outlines, teaching methods,
2 teaching aids, testing and evaluation;

3 (2) Fifty hours of psychology as applied to cosmetology,
4 personality and teaching, teacher evaluation, counseling,
5 theories of learning, and speech;

6 (3) Fifty hours of business experience or management
7 including classroom management, record keeping, buying and
8 inventorying supplies, and state law; and

9 (4) Three hundred hours of practice teaching in both theory
10 and practical application.

11 4. For the purpose of meeting the minimum requirements for
12 examination, training completed within a school of cosmetology by
13 an instructor trainee shall be recognized by the board for a
14 period of no more than five years from the date it is received.

15 5. The six hundred hours required pursuant to subsection 3
16 of this section may be reduced as follows:

17 (1) Three years of experience as a practicing cosmetologist
18 may be substituted for three hundred hours of training. The
19 three hundred hours will be partially reduced in proportion to
20 experience greater than six months but less than three; or

21 (2) Four and one-half college credit hours in teaching
22 methodology, as defined by rule, may be substituted for three
23 hundred hours of training. Applicants requesting credit shall
24 submit to the board a certified transcript together with a course
25 description certified by the administering education institution

1 as being primarily directed to teaching methodology. The three
2 hundred hours will be partially reduced in proportion to college
3 credit hours in teaching methodology of less than four and
4 one-half hours; or

5 (3) Applicants who apply from states where the requirements
6 are not substantially equal to those in force in Missouri at the
7 time of application, may be eligible for the examination if they
8 provide:

9 (a) An affidavit verifying a current, valid instructor
10 license in another state, territory of the United States,
11 District of Columbia, or foreign country, state or province; and

12 (b) Proof of full-time work experience of not less than one
13 year as a cosmetology instructor within the three-year period
14 immediately preceding the application for examination.

15 329.085. 1. Any person desiring an instructor license
16 shall submit to the board a written application on a form
17 supplied by the board showing that the applicant has met the
18 requirements set forth in section 329.080. An applicant who has
19 met all requirements as determined by the board shall be allowed
20 to take the instructor examination, including any person who has
21 been licensed three or more years as a cosmetologist, manicurist,
22 electrologist, or esthetician. If the applicant passes the
23 examination to the satisfaction of the board, the board shall
24 issue to the applicant an instructor license.

25 2. The instructor examination fee and the instructor

1 license fee for an instructor license shall be nonrefundable.

2 3. The instructor license renewal fee shall be in addition
3 to the regular cosmetologist, esthetician or manicurist license
4 renewal fee. For each renewal the instructor shall submit proof
5 of having attended a teacher training seminar or workshop at
6 least once every two years, sponsored by any university, or
7 Missouri vocational association, or bona fide state cosmetology
8 association specifically approved by the board to satisfy the
9 requirement for continued training of this subsection. Renewal
10 fees shall be due and payable on or before the renewal date and,
11 if the fee remains unpaid thereafter in such license period,
12 there shall be a late fee in addition to the regular fee.

13 4. Instructors duly licensed as physicians or attorneys or
14 lecturers on subjects not directly pertaining to the practice
15 pursuant to this chapter need not be holders of licenses provided
16 for in this chapter.

17 5. The board shall grant instructor licensure upon
18 application and payment of a fee equivalent to the sum of the
19 instructor examination fee and the instructor license fee,
20 provided the applicant establishes compliance with the
21 cosmetology instructor requirements of another state, territory
22 of the United States, or District of Columbia wherein the
23 requirements are substantially equal or superior to those in
24 force in Missouri at the time the application for licensure is
25 filed and the applicant holds a current instructor license in the

1 other jurisdiction at the time of making application.

2 6. Any person licensed as a cosmetology instructor prior to
3 the training requirements which became effective January 1, 1979,
4 may continue to be licensed as such, provided such license is
5 maintained and the licensee complies with the continued training
6 requirements as provided in subsection 3 of this section. Any
7 person with an expired instructor license that is not restored to
8 current status within two years of the date of expiration shall
9 be required to meet the training and examination requirements as
10 provided in this section and section 329.080.

11 329.110. 1. If an applicant for examination [for
12 cosmetology] passes the examination to the satisfaction of the
13 state board of cosmetology and has paid the fee required and
14 complied with the requirements pertaining to this chapter, the
15 board shall cause to be issued a license to that effect. The
16 license shall be evidence that the person to whom it is issued is
17 entitled to engage in the practices, occupation or occupations
18 stipulated therein as prescribed in this chapter. The license
19 shall be conspicuously displayed in his or her principal office,
20 place of business, or employment.

21 2. Whenever anyone who has been licensed in accordance with
22 this chapter practices any of the occupations authorized in this
23 chapter outside of or away from the person's principal office,
24 place of business, or employment, he or she shall deliver to each
25 person in his or her care a certificate of identification. This

1 certificate shall contain his or her signature, the number and
2 date of his or her license, the post office address and the date
3 upon which the certificate of identification is delivered to the
4 person under his or her care.

5 329.180. There is hereby created and established a "State
6 Board of Cosmetology" for the purpose of licensing all persons
7 engaged in the practice of hair dressing, cosmetology,
8 electrolysis, and manicuring in this state. The board shall have
9 control and supervision of the licensed occupations, and
10 enforcement of the terms and provisions of this chapter.

11 329.190. 1. The state board of cosmetology shall be
12 composed of seven members, including one voting public member and
13 one member who is a licensed school owner pursuant to subsection
14 1 of section 329.040, appointed by the governor with the advice
15 and consent of the senate. The term of office of each member
16 shall be four years.

17 2. The members of the board shall receive as compensation
18 for their services the sum set by the board not to exceed fifty
19 dollars for each day actually spent in attendance at meetings of
20 the board, within the state, not to exceed forty-eight days in
21 any calendar year, and in addition thereto they shall be
22 reimbursed for all necessary expenses incurred in the performance
23 of their duties as members of the board.

24 3. All members, except the public member, shall be
25 cosmetologists, electrologists, and manicurists duly registered

1 as such and licensed pursuant to the laws of this state, and
2 shall be United States citizens and shall have been residents of
3 this state for at least one year next preceding their
4 appointments and shall have been actively engaged in the lawful
5 practice of cosmetology for a period of at least five years. The
6 public member shall be at the time of the person's appointment a
7 citizen of the United States; a resident of this state for a
8 period of one year and a registered voter; a person who is not
9 and never was a member of any profession licensed or regulated
10 pursuant to this chapter or the spouse of such person; and a
11 person who does not have and never has had a material, financial
12 interest in either the providing of the professional services
13 regulated by this chapter, or an activity or organization
14 directly related to any profession licensed or regulated pursuant
15 to this chapter. All members, including public members, shall be
16 chosen from lists submitted by the director of the division of
17 professional registration. The duties of the public member shall
18 not include the determination of the technical requirements to be
19 met for licensure or whether any person meets such technical
20 requirements or of the technical competence or technical judgment
21 of a licensee or a candidate for licensure. Any member who is a
22 school owner shall not be allowed access to the testing and
23 examination materials nor to attend the administration of the
24 examinations, except when such member is being examined for
25 licensure.